

ICC 01-0662
Sur-rebuttal Comments of SBC Illinois (Phase II)
Attachment 1

STATUS OF PHASE I ISSUES

Staff Exhibit	Staff Phase II Conclusions	Staff Phase II Recommendations	SBC Illinois Response
Staff Exhibit 40.0	<p>Phase I Compliance - Checklist Item 4 - Unbundled Local Loops: The Commission determined in Phase 1 that SBC must demonstrate its tariff Complies fully with the Commission's Orders in Docket No. 01- 0614. SBC Illinois has not yet fully met this requirement.</p>	<p>Phase I Compliance – Checklist Item 4 - Unbundled Local Loops: SBC should demonstrate in surrebuttal filings that its tariff provides for the most efficient processes and mechanisms feasible (consistent with safety and reliability considerations) to minimize any Technically unavoidable service disruptions in establishing CLEC line splitting arrangements.</p>	<p>Addressed by Carol Chapman in Rebuttal Affidavit ¶¶ 19-25 and in Surrebuttal Affidavit ¶ 21.</p>
Staff Exhibit 40.0	<p>Phase I Compliance – Checklist Item 4 - Unbundled Local Loops: SBC has not yet demonstrated, as Required by paragraph 941 of the Phase I Interim Order, that nondiscrimination exists between the provisioning of line splitting functionality to CLECs and the provisioning of data functionality to SBC's data affiliate (where SBC Illinois provides the voice service component).</p>	<p>Phase I Compliance - Checklist Item 4 - Unbundled Local Loops: SBC should demonstrate in surrebuttal filings that nondiscrimination exists between the provisioning of line splitting functionality to CLECs and the provisioning of data functionality to SBC's data affiliate (where SBC Illinois provides the voice service component). This demonstration should consist of parity (where applicable), and sufficient comparability where parity is not applicable.</p>	<p>Addressed by Carol Chapman in Rebuttal Affidavit ¶¶ 8-15 and in Surrebuttal Affidavit ¶¶ 15-21.</p>

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Staff Exhibit 43.0	<p>Phase I Compliance: Line Loss Notifications: SBC Illinois has not implemented all of Staff's Recommendations with respect to line loss Notifications that this Commission found to be reasonable in the Phase I interim order.</p>	<p>Phase I Compliance: Line Loss Notifications:</p> <p>(1) Upon implementation of the revised performance measure MI 13, scheduled for April 20, 2003 reporting, SBC Illinois should make the weight of MI 13 Tier 1 and Tier 2 remedy levels Medium".</p> <p>(2) SBC Illinois should file revised tariff pages with this Commission for performance measure MI 13 reflecting the "Medium" Tier 1 and Tier 2 assignments so the effective date of the tariff coincides with the implementation date of the performance measure changes.</p> <p>(3) This Commission should verify that all changes to performance measure MI 13 and MI 13.1 planned by SBC Illinois for April 20, 2003 are implemented prior to this Commission making a positive Section 271 recommendation to the FCC.</p> <p>(4) SBC Illinois should commit to the internal line loss notification improvement plan it filed in Michigan and the company should provide for periodic updates to the Commission on its implementation.</p> <p>(5) SBC Illinois should confirm</p>	<p>(1) Addressed by James Ehr Rebuttal Affidavit, ¶ 250.</p> <p>(2) Addressed by James Ehr Rebuttal Affidavit, ¶ 250.</p> <p>(3) Addressed by James Ehr Rebuttal Affidavit, ¶ 250.</p> <p>(4) Addressed by Mark Cottrell in Surrebuttal Affidavit ¶¶ 12-17, 21</p>

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		<p>that all line loss notifications issued to CLECs will be included in the MI 13 and MI 13.1 line loss performance measurements that SBC Illinois plans to implement on April 20, 2003; including all line loss notices generated due to SBC Illinois winback scenarios.</p> <p>(6) SBC Illinois should respond with its commitment to the previous five items in its surrebuttal testimony scheduled for March 17, 2003.</p>	<p>(5) Addressed by James Ehr Sur-rebuttal Affidavit, ¶¶ 31-37.</p> <p>(6) See above.</p>
Staff Exhibit 44.0	<p>Phase I Compliance - Checklist Item 2 – Tariff and Interconnection Agreement Opt- In: If Staff's understanding of the Company's opt- in policies (as articulated by Dr. Zolnierek) are correct then the Company's opt- in policies are consistent with the Commission's Phase I directive. Articulation of a policy does not, however, ensure that the policy is being followed or will continue to be followed. The Company's proposal to include its opt- in policies on its CLEC Online website resolves this issue by providing CLECs and the Commission a vehicle to monitor the Company's opt- in policies and address any 271 compliance issues that may arise regarding these policies.</p>	<p>Phase I Compliance – Checklist Item 2 – Tariff and Interconnection Agreement Opt- In: The Commission should find that the Company's proposal to post its opt- in policies on its CLEC Online website comports with the directives in the Commission's Interim Compliance Order. However, to ensure that my recommendation and the Commission's decision is informed, the Company should submit in its surrebuttal affidavits the proposed language it intends to make available to CLECs on the Company's CLEC Online website.</p>	Addressed by Scott Alexander in Surrebuttal Affidavit ¶ 5.

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Staff Exhibit 44.0	<p>Phase I Compliance - Checklist Item 2 – EEL Performance Measurement: Because the Company cannot supply EEL provisioning information separately from stand- alone loop provisioning information, there is no way to verify whether the Company has measured provisioning of all EELs it has provided to CLECs or to verify that the Company has provided EELs in a manner that will not impair or impede CLEC's ability to use EELs to compete in Illinois. The Company recently proposed tariff changes that will remedy this problem, but these changes are deficient. Because the Company's proposed EELs Measurements don't account for the Company's EEL certification process, they do not effectively measure the Company's performance in providing EELs.</p>	<p>Phase I Compliance - Checklist Item 2 – EEL Performance Measurement: In order to ensure that the Company is effectively measuring its performance in providing EELs in Illinois, the Company must specifically account for its conversion certification process and any similar certification processes applied to new EELs in its performance measurement system. The Company should explain it is surrebuttal affidavits how it will address this problem so that Staff and Intervenors can evaluate the Company's proposed remedy and make an informed recommendation to the Commission</p>	Addressed by James Ehr in Surrebuttal Affidavit, ¶ 153.
Staff Exhibit 44.0	<p>Phase I Compliance - Checklist Item 2 – UNE Combination Rate Clarity: Through a combination of Mr. Silver's Phase I Compliance Affidavit, the Company's responses to Staff's data requests, and Mr. Silver's verbal explanations, the Company has clarified the application of its UNE combination rates, in particular its EEL and UNE- P combination rates, consistent with the directive in the Commission's Phase I Interim Order. While the evidence and testimony presented by the Company has clarified how the Company applies the charges contained in it's UNE tariffs, this same evidence and testimony underscores the fact that the Company UNE tariffs do not make rate application transparent. Mr. Silver responded to Staff recommendations with an outline of steps the Company will or could take to ensure that the rate information</p>	<p>Phase I Compliance - Checklist Item 2 – UNE Combination Rate Clarity: The Company should insert the proposed tariff language that clarifies the application of the Company's EEL carrier connection charge submitted by Mr. Silver into the Company's tariff. The Company should also insert both the EEL and UNE- P rate application matrices into its CLEC Online Handbook.</p>	Addressed by Michael Silver in Surrebuttal Affidavit ¶ 32.

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	presented in this proceeding is available to CLECs in Illinois. The steps proposed by Mr. Silver, if implemented by the Company, would resolve this issue.		
Staff Exhibit 48.0	<p>Checklist item 7 – Nondiscriminatory Access to 9- 1- 1 or E9- 1- 1 Services. Staff believes that SBC Illinois has the ability to meet PM 104 and has demonstrated this in the past. SBC Illinois has not adequately explained how it is meeting the parity standard for PM 104 and cannot verify that it is providing non-discriminatory access to CLECs. Although meeting the NENA standards (by processing updates to the 9- 1- 1 database with in 24 hours) addresses Staff’s public safety concerns, it does not indicate whether SBC Illinois is providing non-discriminatory access to 9- 1- 1. Therefore, in Staff’s opinion, SBC Illinois has failed to demonstrate that it is providing non- discriminatory access to 9- 1- 1 services.</p>	<p>Checklist item 7 – Nondiscriminatory Access to 9- 1- 1 or E9- 1- 1 Services. If the Commission does not find that SBC Illinois has failed to demonstrate that it is providing non- discriminatory access to 9- 1- 1 services, then Staff recommends – in the alternative – that the Commission require one of the following as a condition to any determination that SBC Illinois is providing non-discriminatory access to 9- 1- 1 services:</p> <p>(1) SBC Illinois should present a reasonable plan to address its failure to consistently update CLEC 9- 1- 1 database files at the Parity standard currently established, and commit to implement that plan in a timely manner; or (2) SBC Illinois should present an alternative standard for the updating of 9- 1- 1 database files and commit to adopt such measure and standard as an additional performance measure and standard pending the next six month collaborative.</p>	<p>(1) This is addressed by Gene Valentine in Rebuttal Affidavit, ¶¶ 6-11</p>
Staff Exhibit 49.0	<p>Checklist item 2 – Pricing of Dark Fiber SBC Illinois’ “zone of reasonableness”</p>	<p>Checklist item 2 – Pricing of Dark Fiber (1) SBC Illinois dark fiber</p>	<p>Addressed in Wardin</p>

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	analysis for dark fiber mileage rates is not conclusive and should not be relied upon for checklist item (ii) compliance.	mileage rates must be set equal to those in Michigan. (2) Failure to address Staff's concerns adequately should be considered noncompliance with checklist item (ii).	Surrebuttal Affidavit, ¶¶ 11-14.
Staff Exhibit 49.0	Checklist item 2 – Pricing of Sub-Loops (1) SBC Illinois has not adequately responded to Staff's concerns regarding line connection charges for sub- loops.	Checklist item 2 – Pricing of Sub- Loops (1) Staff recommends that these charges be reduced to the point where they are equal to the line connection charges for loops in Illinois (\$ 20.21). (2) Failure to address Staff's concerns adequately should be considered noncompliance with checklist item (ii).	Addressed in Wardin Surrebuttal Affidavit, ¶¶ 7-10.